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CANADA				
EXAMINER				
SCHATZ, CHRISTOPHER T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/669,345

**Applicant(s)**

WALKER ET AL.

**Examiner**

CHRISTOPHER SCHATZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) 8-10 and 17-19 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 and 11-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. The following rejections have been withdrawn:
2. The 35 U.S.C. 112, rejections set forth in sections 2-5 of the office action dated August 20, 2007 have been withdrawn in light of applicant's amendments to claims 1 and 11.
3. The 35 U.S.C. 102 (b) rejection of claims 1-7 and 11-16 set forth in section 8 of the office action dated August 20, 2007 has been withdrawn in light of applicant's arguments.

### ***Claim Rejections - 35 USC 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 5-7, 11 and 15-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Krish et al. (US 6187432, of record) for the reasons set forth in section 7 of the office action dated August 20, 2007
6. Claims 1-7 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5865934).

As to claim 1, Yamamoto teaches a method comprising: positioning a first material 33 on a work surface 39 with an adhesion zone exposed and applying an anchoring adhesive 34' to the first material or second material or both to form a plurality

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of substantially isolated adhesive anchors separated by interstitial spaces (Figure 11; column 5, line 56 – column 6, line 33). After the adhesive anchors 34' have cured (column 11, lines 2-4) to form a plurality of physical and chemical bonding sites within the adhesion zone the reference teaches: applying a bonding adhesive 32 to the first material before the bonding adhesive has cured (column 6, lines 45-46), placing the second material into contact with the adhesive anchors and curing the bonding adhesive to bond the bonding adhesive to the adhesive anchors (column 10, line 52 - column 11, line 23; column 7, lines 25-55), whereby the adhesive anchors have a relatively higher degree of adhesion to the first material or to the second material or to both than the bonding adhesive, and the bonding adhesive intrudes into the interstitial spaces before curing and when cured bonds to the adhesive anchors (column 7, lines 25-55; column 5, lines 20-55; column 11, lines 24-30; column 15, lines 4-18; figure 11).

As to claim 11, Yamamoto teaches a method comprising: positioning a first material 33 on a work surface 39 with an adhesion zone exposed and applying an anchoring adhesive 34' to the first material or second material or both to form a plurality of substantially isolated adhesive anchors separated by interstitial spaces (Figure 11; column 5, line 56 – column 6, line 33). After the adhesive anchors 34' have cured (column 11, lines 2-4) to form a plurality of physical and chemical bonding sites within the adhesion zone the reference teaches: applying a casting adhesive 32 to the first material before the casting adhesive has cured (column 6, lines 45-46), allowing the casting adhesive to cure whereby the adhesive anchors have a relatively higher degree of adhesion to the first material or to the second material or to both than the casting

adhesive, and the casting adhesive intrudes into the interstitial spaces before curing and when cured bonds to the adhesive anchors (column 7, lines 25-55; column 5, lines 20-55; column 11, lines 24-30; column 15, lines 4-18; figure 11; column 10, line 52 - column 11, line 23; column 7, lines 25-55).

As to claims 2 and 12, Yamamoto teaches such a claimed screen printing step (column 10, line 65 - column 11, line 7). As to claims 3 and 13, the reference teaches the anchoring adhesive applied in a uniform pattern (figure 11). As to claims 4 and 14, Yamamoto teaches the claimed adhesive impervious portions. As to claims 6 and 7, the reference teaches that the anchoring adhesive is rigid (column 5, lines 1-26) and that the bonding adhesive is flexible (column 1, lines 13-14). Yamamoto also teaches the limitations of claim 7 (figure 11, column 15, lines 3-18)

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 2-4 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krish et al. as applied to claim 11 above and further in view of Blatchford et al. for the same reasons as set forth in the office action dated August 20, 2007.

### ***Response to Arguments***

Applicant's arguments filed on January 21, 2008 have been fully considered.

With respect to Booth, applicant's argument stating that Booth fails to disclose a plurality of substantially isolated adhesive anchors separated by interstitial spaces has been found convincing by the examiner and thus the Booth rejection has been withdrawn.

With respect to the applicant's arguments at the bottom of the page 6 of the Remarks, the examiner asserts that the applicant's arguments are not commensurate with the scope of the applicant's claims. The applicant argues "This allows the bonding adhesive - which is selected for its high adherence to the second material - to also adhere strongly to the first material (because of its high adhesion to the adhesive anchors) despite inherent low-adhesion relative to the first material. This is a substantial difference from Krish et al., who (as noted in the interview summary) cures or dries all adhesive surfaces before adhering the composite adhesive to the second material, creating a composite adhesive "release" layer that has properties of both adhesives." The examiner asserts that the applicant's claims do not require that the bonding adhesive has a lower adherence to the first material than the second material. Claim 1 only requires that the adhesive anchors have a higher degree of adhesion to the first material **or** to the second material **or** to both materials than the bonding adhesive. Applicant should note that a reference disclosing adhesive anchors having a higher adherence to the second material than the bonding adhesive and a bonding adhesive having a higher adhering to first material than the adhesive anchors would meet the applicant's claim. Additionally, the applicant should note that claims as written, *does not require curing of the bonding adhesive after the second substrate is placed into the*

*contact with the adhesive anchors.* The limitation recited in claim 1 stating "placing the second material into contact with the adhesive anchors and curing the bonding adhesive" does not impart a specific order as to when the steps in the limitation must be preformed. Applicant can require the curing of the bonding adhesive to occur after the second material is contacted to the bonding adhesive and adhesive anchors by amending the limitation as follows: "placing the second material into contact with the adhesive anchors and then curing the bonding adhesive." The applicant should note however, that while such an amendment to the claims will overcome the Krish reference, the amendment will not overcome the newly added Yamamoto reference.

Applicant argues that Krish "does not teach or suggest creating a plurality of substantially isolated adhesive anchors for the purpose of improving adhesion with a second (bonding) adhesive to then adhere the first and second materials together." This statement is not commensurate with the scope of applicant's claim. The claim does not recite a step of improving adhesion between the two adhesives. The claim only requires that the two adhesives bond to each other.

In the last paragraph on page 7 of the remarks, the applicant argues that Krish does not meet the claimed limitations because the claims recite that second adhesive is applied wet to both materials. The examiner respectfully asserts that the claims do not recite such a limitation. Rather, the language in the limitation "applying a bonding adhesive to the first material or to the second material or to both before the bonding adhesive has cured" requires that the bonding adhesive be applied wet *either* to the first material *or* the second material *or* both materials. A reference, such as Krish need only

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apply the bonding adhesive uncured to the first material in order to meet this claim. The applicant can require that the bonding adhesive be applied wet to both materials by amending the limitation as follows: "applying a bonding adhesive to the first material or to the second material or to both material before the bonding adhesive has cured." Until the applicant amends the claim in such a manner, Krish meets the limitations of the claim. The applicant should note however, that amending the limitation as recommended above will not overcome the newly applied Yamamoto reference.

Applicant's arguments with respect to Booth on page 8 of the remarks are considered moot in light of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/

Examiner, Art Unit 1791

/Richard Crispino/

Supervisory Patent Examiner, Art Unit 1791